

**MEMORANDUM OF AGREEMENT
BETWEEN HEALTH RESOURCES & SERVICES ADMINISTRATION AND
HOUSING AND URBAN DEVELOPMENT AND
THE NEVADA STATE HISTORIC PRESERVATION OFFICER
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 C.F.R. Section 800.6(b)(iv)
REGARDING A PROPOSED CONSTRUCTION PROJECT
IN LANDER COUNTY, NEVADA
HRSA PROJECT NO. CE1HS52373**

WHEREAS Health & Human Services Administration ("HRSA") proposes to provide funding for the proposed construction project for AUSTIN CLINIC at 245 NEVADA STREET, AUSTIN, LANDER COUNTY, NEVADA and

WHEREAS HRSA, in consultation with the Nevada State Historic Preservation Officer ("Nevada SHPO"), has defined the project's area of potential effects ("APE"), as the term is defined in 36 C.F.R. Section 800.16(d), to be the area within viewshed of the project site; and

WHEREAS HRSA, in consultation with the Nevada SHPO, has found that the AUSTIN HISTORIC DISTRICT is within the APE; and

WHEREAS HRSA, in consultation with the Nevada SHPO, has determined pursuant to 36 C.F.R. Section 800.5(a) that the proposed construction project does have an adverse effect on the AUSTIN HISTORIC DISTRICT; and

WHEREAS the applicant for funding, LANDER COUNTY, consulted with the Nevada SHPO in accordance (per HRSA delegation) with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and its implementing regulations (36 C.F.R. Section 800) to resolve the adverse effect on AUSTIN HISTORIC DISTRICT; and

WHEREAS HRSA has notified the Advisory Council on Historic Preservation ("Council") of the adverse effect and invited the Council's participation in the project, pursuant to 36 CFR Section 800.6(a)(1), in a letter dated JUNE 20, 2025; and

WHEREAS the Council declined to participate in consultation in a letter dated July 8, 2025 and

NOW, THEREFORE, HRSA, HUD, and the Nevada SHPO agree that, upon the submission of a copy of this executed memorandum of agreement, as well as the documentation specified in 36 C.F.R. Section 800.11(e) and (f) to the Council pursuant to 36 C.F.R. Section 800.6[b][1][iv]) and upon HRSA's approval of the completed construction project, HRSA shall ensure that the following stipulations are implemented in order to take into account the effect of the completed construction project on historic properties.

I. MITIGATION STIPULATIONS

HRSA shall ensure that the following measures are carried out:

Lander County will:

- a. Provide funding to the Austin Historical Society for the development of multimedia educational and interpretive materials related to historic properties inside the APE and promotion of the use of historic properties outside the APE for heritage-based tourism in a manner that contributes to the long-term preservation and productive use of the properties.
- b. Creation and installation of a historical display including photographs and interpretive plaques depicting historical properties within the Austin Historic District in the lobby of the Austin Community Center & Clinic. Lander county will review all materials created by the Austin Historical Society and review within 30 days of receipt, prior to installation.
- c. Lander County will provide photographic evidence of the completed display to HRSA, HUD, and the Nevada SHPO within 90 days of the completion of the Austin Clinic.

II. OBJECTION RESOLUTION PROVISION

Disagreement and misunderstanding about how this memorandum of agreement is or is not being implemented shall be resolved in the following manner:

- A. If the Nevada SHPO or any invited signatory to this memorandum of agreement should object in writing to HRSA regarding any action carried out or proposed with respect to the completed construction project or implementation of this memorandum of agreement, then HRSA shall consult with the objecting party to resolve this objection. If after such consultation HRSA determines that the objection cannot be resolved through consultation, then HRSA shall forward all documentation relevant to the objection to the Council, including HRSA's proposed response to the objection. Within 30 days after receipt of all pertinent documentation, the Council shall exercise one of the following options:
 - i. Provide HRSA with a staff-level recommendation, which HRSA shall take into account in reaching a final decision regarding its response to the objection; or
 - ii. Notify HRSA that the objection will be referred for formal comment pursuant to 36 C.F.R. Section 800.7(c), and proceed to refer the objection and comment. HRSA shall take into account the Council's comments in reaching a final decision regarding its response to the objection.
 - iii. If the ACHP does not provide its advice regarding the dispute within the 30-day time period, HRSA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, HRSA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA and provide them and the ACHP with a copy of such written response.

- B. If comments or recommendations from the Council are provided in accordance with this stipulation, HRSA shall take into account any Council comment or recommendations provided in accordance with this stipulation with reference only to the subject of the objection. HRSA's responsibility to carry out all actions under the memorandum of agreement that are not the subjects of the objection shall remain unchanged.

III. POST-REVIEW DISCOVERY

The project is proposed to occur within previously disturbed ground. No post-review discovery is anticipated.

IV. AMENDMENT

Any signatory to this memorandum of agreement may request that it be amended, whereupon the parties shall consult to consider the proposed amendment. 36 C.F.R. 800.6(c)(7) shall govern the execution of any such amendment.

V. TERMINATION

- A. Any signatory to this memorandum of agreement may terminate it by providing thirty (30) days' notice to the other parties, provided that the parties shall consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, HRSA shall comply with 36 C.F.R. Sections 800.3 through 800.7 with regard to the review of the completed construction project.
- B. In the event that HRSA does not carry out the terms of this memorandum of agreement by January 31, 2027, HRSA shall comply with 36 C.F.R. Sections 800.3 through 800.7 with regard to the review of the completed construction project.

The execution of this memorandum of agreement by HRSA, the Nevada SHPO, and Lander County, the submission of it to the Council with the appropriate documentation specified in 36 C.F.R. Section 800.11(e) and (f), and the implementation of its terms evidence that HRSA has afforded the Council an opportunity to comment on the completed construction project and its effect on historic properties and that HRSA has taken into account the effects of the project on historic properties.

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REGARDING THE COMPLETED CONSTRUCTION PROJECT
IN PROVIDENCE, PROVIDENCE COUNTY, NEVADA
HRSA PROJECT NO. CE1HS46534**

REQUIRED SIGNATORY

Health Resources & Service Administration

Ali B. Danner -S14

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Date: 2025.09.17 16:05:15 -04'00'

By: _____

Date: _____

Name, Title:

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REQUIRED SIGNATORY

Nevada State Historic Preservation Officer

By: **Arthur Krupicz**
State Historic Preservation Officer

Digitally signed by Arthur
Krupicz
Date: 2025.09.12 16:12:10 -07'00'

Date: _____

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INVITED SIGNATORY
LANDER COUNTY, NEVADA
~~Southeast Nevada State University.~~

By: *Sean Baker* Assistant County Manager
Name, Title:

Date: 10/16/25